



L I N G U A

LINGUA – Specialized unit for analyses of origin¹

Aim and starting point for LINGUA

In Switzerland, LINGUA was founded in May 1997 as a specialized unit within the Federal Office for Migration (FOM; known up until 2004 as the Federal Office for Refugees). Its task is to carry out analyses of origin for people seeking asylum and other foreigners. These analyses of origin become necessary when the asylum seeker or foreign national (referred to from now on as the subject) cannot produce any valid identification documents and, in addition to this, there are doubts about that subject's allegations concerning his/her region of origin. It is the aim of the analysis of origin to determine the country and/or region or, at least, the milieu, which have had the biggest influence on the subject in his/her process of socialization. It is for this purpose that the subject's speech as well as his/her cultural knowledge of the region concerned are examined. In order to carry out these analyses of origin, LINGUA works with external experts. These experts analyse a conversation carried out with the subject (see below) and produce a report with the results of this analysis.

What is LINGUA?

The LINGUA specialized unit consists of a small team, which is composed of academically trained linguists and administrative personnel. Each linguist is responsible for certain linguistic and geographical regions and it is his/her responsibility to find the necessary experts, make them aware of the specific task at hand and cooperate with them in their work. Along with this, they have the responsibility of revising the reports. This ensures that the experts are adequately prepared for the interviews and that there are clear guidelines for both the reports and the checking of the quality standards.

Who are the experts?

LINGUA recruits experts from all over the world. They work as independent specialists on punctual assignments. Over the years, LINGUA has developed a clear expert's profile. This profile includes an academic background in linguistics as well as an active competence in the language(s) to be analysed. They should also have an up-to-date knowledge of the respective regions of origin and their culture, not just from a theoretical point of view but rather from having acquired their knowledge on the spot. They also have to meet other requirements such as neutrality, objectivity, trustworthiness and discretion. Along with all this, the experts are not allowed to be in any way dependent on the authorities of the particular country of origin they are specialized on. After the recruitment process follows a testing stage; only after that are they put under contract.

Today, LINGUA has at its disposal a pool of over 80 experts for around 70 linguistic and geographical regions. Ideally, there is more than one expert per region so that second opinions and checks are possible. There are, of course, experts who can cover a variety of coun-

tries because they are competent for speech areas which include several countries or because they are competent for several languages/dialects.

The names of the experts are not published. However, each report has attached to it an anonymous, academic résumé of the respective expert, which attests the qualifications of the expert. This includes, for example, education, knowledge of the relevant language(s) and the length of his or her professional contact with the respective language(s) and region(s).

The working method of LINGUA - The interview as a basis for the analysis

In order to carry out the analysis of origin process, the subject is interviewed by an expert or a specially trained interviewer and the interview is recorded. This procedure differs from the method used in many other countries where the interview is carried out by the case officer² with the help of an interpreter. There are several reasons for having a direct interview using an expert or a specially trained interviewer: it is possible to ask the questions that are relevant for the expert both on the culture and also on the language(s) which the subject speaks; the interview is conducted outside the framework of an asylum interview and does not go into the subject's reasons for seeking asylum; the expert or interviewer talks to the subject in all his/her stated languages (if this is possible); the expert will have enough spoken material from the subject since duplications³ (translation/retranslation) are avoided.

During the interview and in the analysis which follows, the expert must rely on the details and the profile given by the subject and, correspondingly, evaluate his/her language competence and his/her statements. A certain amount of information on the profile of the subject is checked at the beginning of the interview, including the region of origin and languages spoken but also the ethnicity, family origin, education and chosen profession or job. The topics covered in the interview must be adapted to the level of education and social background of the subject and his/her knowledge and speech competence must be evaluated with reference to his/her biography. It is important that the interview is conducted as naturally and spontaneously as possible, so that, particularly on a linguistic level, the best possible collection of data can be achieved. This is not always easy in view of the circumstances under which the interviews take place. The interviewing technique, therefore, forms an important component in the training of experts and has also been the subject of a research project⁴ initiated by LINGUA. The experts communicate with the subject via telephone. For reasons of security and anonymity, face to face interviews are usually avoided. Furthermore, the use of the telephone makes it possible to conduct several interviews on the same day, even though the subjects may be in a variety of locations all over Switzerland. If an expert lives abroad, the communication can be carried out using a telephone conference link.

The interview, which normally lasts between 45 to 60 minutes, is recorded. This recording represents the legal basis for the analysis. The expert can listen to the interview as often as necessary in order to complete the analysis. If needs be, the recording can be sent to other experts for analysis. All this allows a variety of experts to combine their linguistic and cultural knowledge so that even more complex cases can be adequately dealt with. This also allows for the testing of experts and for the checking of the quality of the interview and/or the checking of the quality of the report produced by another expert.

The working method of LINGUA - Reports and quality criteria

The reports compiled by the experts must correspond to the standard that LINGUA has set out. This is valid for the form, the depth and manner of the argumentation as well as for the use of the result categories (s. Chapter 1.4.3.). On the one hand, this leads to a consistent model for the LINGUA reports, which makes it considerably easier for the people using it (e.g. the case officers but also the judges) to find the traceability of the results. On the other hand, one can check the minimal criteria, which are necessary to determine the result categories.

In order to examine the subject's knowledge of the country and its culture, at least five different aspects of everyday life (e.g. eating habits, geography, administration, religion, clothing habits) must be discussed during the interview. Concerning the linguistic analysis, at least eight relevant aspects must be analysed (from at least 2 different, linguistic areas like phonology, morphology, syntax, vocabulary), in order to describe and evaluate the subject's speech. Each of these linguistic elements is compared with the variety which is normally to be found in the subject's alleged region/milieu of origin. Any discrepancies in the subject's speech must be mentioned by the expert (e.g. if he/she does not speak the official language of the country; if he/she speaks a variety of the language, which is not spoken in the country he/she names as his/her country of origin). This is the same for any interference caused with any other variety of language, which can be recognised in the speech of the subject. All the languages and/or dialects spoken by the subject should be analysed as far as it is possible.

The working method of LINGUA - Result categories

In accordance with his/her conclusions, the expert can choose between several result-categories, whose application is based on the quality criteria, which have been mentioned. A definite result requires that all the relevant arguments in the analysis can confirm or invalidate the allegations, which the subject provides about his/her origin. Since this is not always the case, the expert may call on further result-categories, which allow him/her to express a degree of possibility. These can be used in the case of contradictory statements or inconsistencies or when the expert finds it impossible to evaluate all the available elements.

Legal context

The basic precept of using analyses of origin of the subject in the area of asylum is not literally laid down in Swiss asylum law. Article 32.2.b of this law states that any deception concerning the identity of a subject can be determined through a dactyloscopic test or "other means of proof" and the LINGUA reports are recognised as being amongst these⁵.

Since the name of the expert and the report itself are not published, the Swiss Asylum Appeal Commission (ARK) stated its view in the decision of 20.10.1998 that the reports compiled by LINGUA cannot be regarded as a formal expertise within the realms of Swiss law. However, since the minimal demands regarding the guarantee of reliability, objectivity and neutrality were upheld, LINGUA analyses were regarded as having a heightened degree of proof⁶. Using LINGUA analyses to determine the origin of asylum seekers is, as a consequence, judicially confirmed in law and is now an integral part of the asylum procedure in Switzerland.

Analyses of origin: Reactions from the academic world and further development.

If one observes the development of analyses of origin made by the public administrations of a variety of Western European states, one can say that the first theoretical concerns were, at the beginning, extremely modest and that, for example, awareness of the complexity of the linguistic part of the analysis of origin only set in little by little⁷.

This has drawn criticism first of all because clarifications in the area of asylum are generally a sensitive topic in which the ethic aspects of such clarifications come into play, but also because the units did not actively inform the public about their different procedures and kept the experts involved in such clarifications anonymous. Consequently, a criticism which has often

been expressed, not only by the scientific world but also by the media, concerns the lack of transparency in the procedure itself⁸. Secondly, criticism was expressed on the use of "speech analysts" who are not academically trained linguists but merely people who have native competence of the languages to be analysed. Native speakers lack the necessary, theoretical knowledge to describe certain languages and speech phenomena and they do not possess the important, basic foundations of dialectology and sociolinguistics⁹. Finally, the results of the analyses were often interpreted as results on the nationality of a subject. However, it should be stressed that an analysis of origin can of course in no way determine the nationality of a person but rather the milieu and region of their socialization.

This point is referred to in the Guidelines¹⁰, which were drawn up in 2004 by an international group of linguists in order to define the basic principles for analyses of origin and to give recommendations for the implementation and use of such analyses. They also state, amongst other things, that linguistic analyses must be carried out by qualified linguists, who should have the right to remain anonymous as long as they can prove their qualifications. It was also pointed out that linguistic borders do not always correspond with political borders and that a variety of linguistic phenomena like, for example, *code-switching*, *style-shifting* or accommodation effects¹¹ need to be considered.

The Guidelines coincide with the methods of work developed by LINGUA. In addition, the reports produced by LINGUA do not only consist of a linguistic analysis of the speech pattern(s) but are complemented with an evaluation of the socio-cultural knowledge of the subject. This enables the achievement of more reliable results, particularly in those cases where varieties of speech cross borders (this is a problem also mentioned in the Guidelines). The examining of the social and cultural knowledge of a person is of great significance particularly for a speaker of a language/dialect that has not or only poorly been researched, which is the case in many African languages.

Furthermore, the LINGUA team which, as has been stated, consists of linguists who are aware of the possibilities and limits of such analyses, thinks that it is important to provide the experts with its support and to proofread each report thoroughly.

The possibilities for evaluating the quality of the analyses in a systematic and uniform manner have been researched very little up to now: thus, in the context of asylum and foreign nationals, successful readmissions and recognitions through the state of origin—or even through documents which turn up at a later point—can provide a certain amount of information on the validity of the result. However, this information is not systematically transmitted to LINGUA. Moreover, the aforementioned problem persists, namely that the determination of the country of socialization of a person does not necessarily tell us whether he/she is a national of that particular country. Also the topic of the eliciting of data has only been discussed and researched¹² in a limited way up to now. In this respect, the research project on LINGUA interviews has produced new insights. LINGUA also strives to promote the dialogue between administrations and the scientific community. Therefore, LINGUA regularly takes part in national and international events concerning linguistics¹³ and cultivates contacts with scientific institutions as well as foreign partner organisations with the purpose of exchanging gathered experiences, discussing the various procedural processes and acquiring knowledge and inputs from the academic world.

For this reason, in summer 2008, LINGUA organized a workshop on the topic of 'Linguistic Analyses within the Asylum Procedure'. Participants included representatives from various European organisations that establish such analyses of origin, as well as academics from many different countries. The goal of the workshop was to provide more transparency in the field of analyses of origin, present the different working methods of the various organisations, exchange experiences and discuss the possibilities and limitations of such analyses with the help of the attending scientists¹⁴.

¹ This article is based on MEYER Liliane: "Sprachanalysen zur Herkunftsbestimmung im Asyl- und Ausländerbereich. Ein Neues Gebiet der forensischen Linguistik". *Kriminalistik. Unabhängige Zeitschrift für die kriminalistische Wissenschaft und Praxis*. Heidelberg, 2006, 11 pp. 708-712

² *Case officer*: this is the term employed to design the person (within the administration) in charge of the files of asylum seekers or illegal foreigners, who takes the asylum and/or repatriation decision.

³ Cf. MARYNS Katrijn: "Identifying the asylum seeker: reflections on the pitfalls of language analysis in the determination of national origin". *The International Journal of Speech, Language and the Law*. Formerly *Forensic Linguistics*. Birmingham, 2004, vol. 11 (2), pp. 240-260; Contribution (Oral communication) by Jan den Thije at the Workshop "Language Analysis in Refugee Status Determination", at the 16th Sociolinguistics Symposium, Limerick, Ireland, 6.-8.7.2006 <http://www.ul.ie/ss16/W/S06.html>.

⁴ In the year 2006/2007, LINGUA had at its disposal research funds, which were to be specifically used for research on LINGUA interviews. In this particular research project it was not only a question of developing a better understanding of the concrete parameters under which the interviews were conducted, but also of attaining an improvement in the quality of the interviews, that is to say, the actual course of and preparation of the interview by the interviewer.

⁵ Article of law: http://www.admin.ch/ch/d/sr/142_31/a32.html; Message concerning the Federal decision concerning urgent measures in the field of asylum and foreign nationals on 13.5.1998 (with the following link to the Federal Archives: <http://www.amtsdruckschriften.bar.admin.ch/setLanguage.do?lang=DE&currWebPage=searchhome> Doc Nr. 10054681 to be inserted into the search field), pp 3230-3231.

⁶ Text of the decision of the ARK 1998/34 on 20.10.1998 <http://www.ark-cra.ch/emark/1998/9834280PUB.html>.

⁷ For a general overview, compare REATH Anne: "Language analysis in the context of asylum process: Procedures, validity and consequences". *Language Assessment Quarterly: An International Journal*, Vol. 1, Number 4, 2004, pp. 209-233.

⁸ Cf. EADES Diana, ARENDS Jacques: "Using language analysis in the determination of national origin of asylum seekers: an introduction". *The International Journal of Speech, Language and the Law*. Formerly *Forensic Linguistics*. Birmingham, 2004, vol. 11 (2), pp. 179-199. The process is administered in a different way by each state. In Switzerland, not only do the experts remain anonymous, but the reports are also not made public. The former is for reasons of security and the latter, above all, for reasons of the learning effect, since the reports produced by LINGUA are very detailed.

⁹ CORCORAN Chris: "A critical examination of the use of language analysis Interviews in asylum proceedings: a case study of a West African seeking asylum in the Netherlands". *The International Journal of Speech, Language and the Law*. Formerly *Forensic Linguistics*. Birmingham, 2004, vol. 11 (2), pp. 220-221; MARYNS Katrijn, compare footnote 8; SINGLER John Victor: "The 'linguistic' asylum interview and the linguist's evaluation of it, with special reference to applicants for Liberian political asylum in Switzerland". *The International Journal of Speech, Language and the Law*. Formerly *Forensic Linguistics*. Birmingham, 2004, vol. 11 (2), pp. 220-240.

¹⁰ "Guidelines for the use of language analysis in relation to questions of national origin in refugee cases", Language and National Origin Group, June, 2004, in *The International Journal of Speech, Language and the Law*. Formerly *Forensic Linguistics*. Birmingham, 2004, vol. 11 (2), pp. 261-266 – also at: <http://www.iafl.org/> (Policies and documents).

¹¹ *Code-switching*: changing to another language for a word, part of a sentence or a longer section; *style-shifting*: changing or adapting to a certain register of that particular language (e.g. from street language to elevated speech). *Accommodation effect*: The tendency of a speaker to adjust his/her language towards that of his/her peers.

¹² View contributions at the Workshop "Language Analysis in Refugee Status Determination", 16th Sociolinguistics Symposium, Limerick/Ireland, 6.-8.7.2006 (<http://www.ul.ie/ss16/WS06.html>).

¹³ 7th Biennial Conference on Forensic Linguistics/Language and the Law/ IAFL (International Association for Forensic Linguists) in Cardiff/Wales, 1.-4. July, 2005 (<http://www.cardiff.ac.uk/encap/clcr/iaflconference/>); Workshop *Language Analysis in Refugee Status Determination* at the 16th Sociolinguistics Symposium, Limerick/Ireland, 6.-8.7.2006 (<http://www.ul.ie/ss16/WS06.html>); Second European IAFL Conference on Forensic Linguistics/Language and the Law) in Barcelona/Spain, 14.-16.9.2006 (http://www.iula.upf.edu/agenda/iafl_bcn_06/); 4 days of Swiss Linguistics, Basel/Switzerland, 20.-21.11.2006 (<http://www.sagw.ch/dt/Members/outer.asp?id=5>).

¹⁴ Workshop on linguistic analyses within the asylum procedure in Lausanne/Switzerland, 23.-24.07.2008 (<http://www.bfm.admin.ch/bfm/en/home/themen/laenderinformation/sprachanalysen.html>).